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EXAMINER

CHOW, CHARLES CHIANG

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/687,767	Applicant(s) YOON, DONG-JIN	
	Examiner Charles Chow	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-22 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>5/17/2006</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

Detailed Action

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-4, 18-22 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **claim 1**, the word "outside", in line 10, fails to particularly point out its meaning. Attorney Daniel Kim has indicated in the telephone conversation , 5/17/2006, for deleting the word "outside" in next amendment.

Regarding "and etc." in last line of **claim 2**, which is not particularly pointed out the features in the "and etc.". For the examining purpose, the "and etc." is not considered.

Regarding the "call request message" in line 4 of **claim 2**, which is not clearly defined in the specification for what kind of requested message in the "calling request message". For the examination purpose, it is assumed to be a incoming call signal.

Regarding the "calling request message in lines 4-5 & line 7 of independent **claim 18**, and line 3 of dependent **claim 21**, the "calling request message" is not clearly defined in the specification for what kind of requested message in the "calling request message".

For the examination purpose, it is assumed to be a incoming call signal.

The dependent **claims 3-4, 19-20, 22** are rejected due to their dependency upon rejected independent claims 1, 18.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son et al. (US 6,212,408 B1) in view of Borth et al. (US 4,737,976), and further in view of Core et al. (US 5,826,187).

For **claim 1**, Son et al. [hereinafter as Son] teaches a mobile communication terminal 100 provided with a hands free function [a wireless communication device 100 in Fig. 1/Fig. 10, having the voice command of the hands free function, col. 4, lines 25-33 & col. 9, lines 46-52]. The 100 comprises

a key inputting means for inputting an operational command of a mobile communication terminal [the button or key to entering into voice command hands free mode, col. 8, lines 1-20];

a microphone for inputting a user's voice message[microphone 116 in Fig. 1 & 562 in Fig. 10 for inputting user voice command];

a display unit 108 for displaying an operational state of the mobile communication terminal [displaying call information, identification, any other information, col. 5, lines 54-63];

a speakerphone for outputting a calling party's voice in a hands free mode [voice synthesizer 584 & speaker 582, Fig. 10];

a control means for setting a calling mode according to the user's voice message [the processor 104, 504 & software, for controlling the operation of 100 for setting the call mode based on voice command, Fig. 8, col. 5, lines 14-18 & col. 17, lines 4-10; the voice command for answer, send to voice mail, ignore in col. 15, lines 37-45];

Son fails to teach further limitation for this claim.

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Borth teaches the searching the calling party's name or telephone number according to the user's message and thereby voice guiding through the speakerphone [the interactive control, in abstract, for the voice command redial to search directory stored telephone number guided by speech synthesizer 240, which is activated by user's spoken telephone number to activate directory search in col. 3, lines 2-10; the spoken name, "office", search in directory, col. 4, line 56 col. 25; via speakerphone 360 in Fig. 3, col. 5, lines 35-45], for the hands free mode to allow user to keep eyes on the road & to drive a vehicle with both hands. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Son with Borth's synthesized voice response, name, office, according to user's voice command, in order to allow user to keep eyes on the road & to drive a vehicle with both hands.

Son & Borth fail to teach the secret calling with earphone.

Core teaches the switching a calling path through the speakerphone to an earphone at the time of setting a secret calling [the step from 114 back to 08 in Fig. 3, which switches 62D for speakerphone first & then loop back to talk mode 62B for connecting audio to earpiece at step 110, to set a secret calling with audio routed to earpiece 50A of the handset 42, Fig. 2-3, col. 5, lines 30-42; the Mode key is for earpiece, privacy also in col. 7, lines 32-36], for providing upgraded option with privacy using earpiece. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Son, Borth with better upgrade option, privacy, by using the earpiece. Beside, the hands free function using earpiece, to reduce surrounding noise, is well known in the technology.

For claim 3, Core teaches wherein the control means sets and release a hands free function by a specific key adjustment by the key inputting means [the hands free

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speakerphone switch 62D for activating the speakerphone function of the handset 42, Fig. 1-3, col. 30-43].

Core teaches the secret calling function by switching the audio to earphone [col. 7, lines 32-36], using the same reason in claim 1 to combine with Son.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Borth, Core, as applied to claim 1 above and further in view of Hairston (US 2004/0001,588 A1).

For claim 4, Core teaches the switch action to route audio to earpiece for privacy [col. 5, lines 30-42 & Mode key for earpiece for privacy in col. 7, lines 32-36].

Son, Borth & Core fail to teach the claimed features for this claim.

Hairston teaches the wherein the control means sets and releases a secret calling function by a user's voice command [the circuitry 27 for receiving voice speed to turn headset on or off, paragraph 0034], for easily controlling the operation of a telephone via voice speech. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Son, Borth, Core with Hairston's speech controlled telephone operation, in order to easily control the telephone call.

4. Claims 5-6, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Borth-'976.

For claim 5, Son teaches a controlling method of a mobile communication terminal [the method for controlling wireless device via voice command, abstract] provided with a hands free function [the voice command of the hands free function, col. 4, lines 25-33 & col. 9, lines 46-52] comprising the steps of

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setting a hands free function of a mobile communication terminal [the button or key to entering into hands free voice command mode, col. 8, lines 1-20];

Son fails to teach other features for this claim.

Borth teaches the certifying whether an originating call command are received [the speech synthesizer 240 replying to user with "name?", after validating the voice command "recall", col. 4, lines 60-67, for the certifying of user originated call command; the interactive voice command from user's spoken telephone number to activate directory search in col. 3, lines 2-10];

searching information of a calling party inputted by a user's voice ["office"] from a mounted telephone directory [the search for name, "office" in directory index having corresponding to a telephone number to dial, col. 5, lines 1-9; the user's spoken telephone number to activate directory search in col. 3, lines 2-10]; and

voice guiding the searched calling party's information or originating party's information and then connecting a calling [if valid, the controller 230 directs speech synthesizer 240 to echo with "office", as the voice guiding the user, col. 5, lines 4-9; then, user is guided to say "send", to cause a telephone number to be sent for dialing & making telephone connection, col. 5, lines 10-25; the audible feedback in col. 3, lines 7-10], to provide user interactive voice controlled directory dialing [col. 5, lines 24-25]. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Son with Borth's interactive voice controlled directory telephone dialing, by saying the word "recall".

For claim 6, Son fails to teach the features in this claim. Borth teaches the wherein the calling party's information and originating party's information are calling party's or originating party's names or telephone number [the directory 432 has calling party's information,

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names & telephone numbers, col. 7, line 66 to col. 8, line23], using the same reason in claim 5 for combining to Son.

For claim 9, Son teaches a controlling method of a mobile communication terminal [the method for controlling wireless device via voice command, abstract] provided with a hands free function [the voice command of the hands free function, col. 4, lines 25-33 & col. 9, lines 46-52] comprising the steps of

setting a hands free function of a mobile communication terminal [the button or key to entering into hands free voice command mode, col. 8, lines 1-20];

switching a calling path to a speakerphone [the automatically entering into voice command mode when activating speakerphone mode, col. 9, lines 46-52].

Son fails to teach other features for this claim.

Borth teaches the certifying whether user's voice command for originating a call exists [the speech synthesizer 240 replying to user with "name?", after validating the voice command "recall", col. 4, lines 60-67, for the certifying of user originated call command];

searching inputted calling party's information [the search of name "office" for the name in directory index having corresponding to a telephone number to dial, col. 5, lines 1-9; the interactive voice command from user's spoken telephone number to activate directory search in col. 3, lines 2-10];

and voice guiding when user's voice command is inputted [the controller 230 directs speech synthesizer 240 to say "name" when user's voice command, recall, is inputted. The controller further guides user with "office", col. 5, lines 4-9; audible feedback to user in col. 3, line 7-10];

connecting to calling party's telephone number and outputting the calling party's voice to the speakerphone [the user's voice command "send", which causes the telephone number

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to be sent for dialing & making a telephone connection, col. 5, lines 10-25; the receiver audio 455 from receiver 457 is routed to audio output 467 via switch 468, multiplexer 470, col. 9, lines 31-35, Fig. 4], to provide user interactive voice controlled directory dialing [col. 5, lines 24-25]. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Son with Borth's interactive voice controlled directory telephone dialing, by saying the word "recall".

5. Claims 7-8, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Borth, as applied to claim 5, 9 above, and further in view of Core-'187.

For claims 7, 10, Son & Borth fail to teach the secret calling function.

Core teaches the step of setting a secret calling function for switching a calling path from a speakerphone to an earphone in the step of setting the hands free function [the step from 114 back to 08 in Fig. 3, which switches 62D for speakerphone first & then loop back to talk mode 62B for connecting audio to earpiece at step 110, to set a secret calling with audio routed to earpiece 50A of the handset 42, Fig. 2-3, col. 5, lines 30-42; the Mode key is for earpiece, privacy also in col. 7, lines 32-36], using the same reason in claim 1 to combine Core to Son & Borth.

For claim 8, Core teaches the wherein the secret calling function is set by a user's specific key input [the switch 62B, or Mode key, is for secret calling using earpiece with privacy, col. 5, lines 30-42 & col. 7, lines 32-36], using the same reason in claim 1 to combine Core to Son & Borth.

6. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Borth, as applied to claim 9 above and further in view of Beith et al. (US 6,449,496 B1).

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For claim 11, Son & Borth fail to teach the features for this claim.

Beith teaches the voice guiding step comprising waiting for a voice input of calling party's information when a voice command for originating a call is certified [the voice recognition VR says "call, redial, voicebook or sleep in step 108, to wait user input, & the command is certified by playing a prompt tone in step 106, Fig. 2A];

searching a mounted telephone directory when the calling party's information is inputted by voice; voice guiding a search result and then certifying the search result is right information when the calling party's information is searched [the voice recognizer VR search user said name in phonebook, with voice guiding of asking next name, for affirmation of searched name, col. 3, lines 7-25, Fig. 7B],

connecting a calling to a corresponding telephone number when user's voice that the search result is right information is inputted [user says "yes" in step 336 in Fig. 7B, then branch to step 352 via 316, "yes" at step 354, 356, to make a call in Fig 7A], in order to assist user to conveniently search a desired number for dialing out. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Son, Borth with Beith's interactive voice guiding the searched name, in order to conveniently voice guiding user for making a telephone call.

For claim 12, Beith teaches the calling party's information is a name of the calling party [the VR phonebook, col. 2, lines 37-45], using the same reason in clam 11 to combine with Son, Borth

For claim 13, Son & Borth fail to teach the features for this claim.

Beith teaches the further comprising a step of requesting an input of the calling party's telephone number when the calling party's information is not searches [the voice recognizer VR requesting user to say telephone number to placing a call, without searching party's

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information, when Digit set training has been completed and VR phonebook is empty, col. 2, lines 55-67], in order to obtain user's telephone number for placing a telephone call. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Son & Borth with Beith's VR requesting entering of telephone number from user, in order to obtain user's telephone number for placing a telephone call.

For claim 14, Son & Borth fail to teach the features for this claim.

Beith teaches the further comprising a step of returning to a waiting process for inputting the calling party's information by voice when the user's voice is inputted that the search result is not right information [the voice recognizer VR waiting for user to say next name after previous name is incorrect, during the match to best name from the searched name list, col. 3, lines 7-25], using the same reason in claim 13 to combine with Son & Borth.

For claim 15, Son & Borth fail to teach the features for this claim.

Beith teaches wherein corresponding information is sequentially guided by voice when plural calling parties are search in the step of certifying whether the search result is right information [the VR asking next name from user, for the sequentially guided certifying of searched plural names, col. 3, lines 7-25], using the same reason in claim 13 to combine with Son & Borth.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Borth, Beith, as applied to 11 above, and further in view of Shimada (US 5,222,121).

For claim 17, Son, Borth & Beith fail to teach the features for this claim.

Shimada teaches the certifying whether the calling party's telephone numbers which have been judged as right information are plural; voice guiding each telephone number

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sequentially when plurality of telephone numbers have been searched and certifying right information; and connecting a call to the certified telephone number

[the verifying of next telephone number with voice guiding from 6, 11, and user generates voice command "next one" for selecting telephone number until user says "yes", in order to use the agreed telephone number to make a telephone connection, col. 6, line 55 to col. 7, line 21; the telephone number verification in abstract], in order to conveniently confirm the telephone number for making a telephone connection. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to upgrade Son, Borth & Beith with Shimada verification of searched telephone number with convenient hearing voice of searched telephone number, in order to conveniently confirm the telephone number with hearing voice, for making a telephone connection.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Beith et al. (US 6,449,496 B1).

For claim 18, Son teaches a controlling method of a mobile communication terminal [the method for controlling wireless device via voice command, abstract] provided with a hands free function [the voice command of the hands free function, col. 4, lines 25-33 & col. 9, lines 46-52] comprising the steps of

setting a hands free function of a mobile communication terminal [the button or key to entering into hands free voice command mode, col. 8, lines 1-20];

switching a calling path to a speakerphone [the automatically entering into voice command mode when activating speakerphone mode, col. 9, lines 46-52], and certifying whether the calling request message from an arbitrary originating party is received [the audibly alert, certifying, to user of the reception of a incoming call from an arbitrary party,

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col. 15, lines 22-25; In applicant's specification, there is no detailed explanation of what is the requested message of the calling request message. It is assumed the call request message to be the incoming call signal].

connecting a call with the originating party and outputting the originating party's voice to the speakerphone when a user voice command for a calling allowance has been inputted [the user command answer the call after identifying the caller, to connecting the incoming call in col. 15, lines 36-45; and automatically route originating party's voice to speakerphone, from the already activate speakerphone in voice command mode in col. 9, lines 46-50].

Son teaches the communication device is waiting for voice command from user to identify or answer the incoming call [col. 15, lines 36-45], but fails to teach voice guiding for searching originating party's information.

Beith teaches the searching originating party's information, then voice guiding and certifying whether a calling is allowable when the calling request message has been received a mounted telephone directory when the calling party's information is inputted by voice; [the voice recognizer VR search user said name in phonebook, with voice guiding of asking next name, for affirmation of searched name, col. 3, lines 7-25, Fig. 7B/7A], in order to assist user to conveniently search a desired number for dialing out. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Son, Borth with Beith's interactive voice guiding the searched name, in order to conveniently voice guiding user for making a telephone call.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Beith, as applied to claim 18 above, and further in view of Borth-976.

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For claim 19, Son fails to teach the features in this claim. Borth teaches the wherein the calling party's information and originating party's information are calling party's or originating party's names or telephone number [the directory 432 has calling party's information, names & telephone numbers, col. 7, line 66 to col. 8, line23], using the same reason in claim 5 for combining to Son.

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Beith, as applied to claim 18 above, and further in view of Core-'187.

For claims 7, 10, Son & Beith fail to teach the secret calling function.

Core teaches the step of setting a secret calling function for switching a calling path from a speakerphone to an earphone in the step of setting the hands free function [the step from 114 back to 08 in Fig. 3, which switches 62D for speakerphone first & then loop back to talk mode 62B for connecting audio to earpiece at step 110, to set a secret calling with audio routed to earpiece 50A of the handset 42, Fig. 2-3, col. 5, lines 30-42; the Mode key is for earpiece, privacy also in col. 7, lines 32-36], using the same reason in claim 1 to combine Core to Son & Beith.

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Son in view of Beith, as applied to claim 18 above, and further in view of Zang et al. (US 7,027,842 B2).

For claim 21, Son & Beith fail teach the features for this claim.

Zang teaches the wherein the step of certifying whether a calling is allowable comprising obtaining originating party's information when a calling request message has been received; checking whether the obtained originating party's information has been registered in a

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mounted directory [the hands free adapter detects incoming call from one of the number in memory & identifying the caller, col. 3, lines 16-26];

voice guiding the search result and certifying whether a calling is allowable; connecting a calling when a voice command for a calling allowance has been certified and finishing a calling when a voice command for a calling refusal has been certified [the hands free adapter identifies caller to user & user can answer the call for a call connection, user's voice command "pick up" 502 in Fig. 5, or user can refuse the incoming call by sending the incoming call connection to voice mail to record caller's message, & playing an outgoing announcement to caller, col. 3, lines 16-31; the voice guiding with "incoming call from Joe" in col. 8, lines 10-16, Fig. 6], to improve the hands free mode by interactively identifying caller to user. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to Son, Beith with Zang's better hands free mode, in order to easily identifying the caller.

Claims Objection

12. Claims 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 16, the prior art fails to teach the re-searching corresponding identification information at the search result when calling party's identification information has been inputted by voice in the step of certifying whether the search result is right information.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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A. US 2001/0044,321 A1, Ausems et al. teaches the hands free speaker [0039], the user can input voice command "call John", the address book for automatically retrieving the telephone number for dialing. User can select from plural retrieved telephone numbers as displayed numbers [0056-0063].


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (571) 272-7889. The examiner can normally be reached on 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Note: It is to notify that the art unit number has been changed to 2618.

Charles Chow C.C.

May 22, 2006.


5-26-2006

NGUYEN T. VO
PRIMARY EXAMINER